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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,296	11/27/2001	Srinivas Kandala	8371-143	8998
46404	7590	03/31/2006		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER NGUYEN, STEVEN H D	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,296

Applicant(s)

KANDALA, SRINIVAS

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 19-24 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 7-9, 16-18, 25-27 and 34-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "the current scheduled non-contending ending time" is vague and indefinite because it is unclear if it referred to the scheduled ending time or not. Please clarify, so the meter and boundary of the claim can be determined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 10-15, 19-24 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benveniste (US 20020163933) in view Ho (US 69700422).

Regarding claims 1, 10, 19 and 28, Benveniste teaches a device comprising a physical communication component (Fig. 1A and 2A; [0033] and [0118]); and a processor coupled with the physical communication component (Fig. 1A and 2A; [0033] and [0118], inherent), in which the processor is adapted to receive contending requests for respective non-contending wireless data transmissions through a medium ("RTS frame"; [0042]) schedule an ending time of a time window during which subsequent contending requests are impermissible ([0054]); communicate the scheduled ending time; monitor the medium ([0054]); determine that one of the wireless transmissions through the monitored medium ended before the scheduled ending time (by "contention-free end frame 126", [0054]). However, Benveniste fails to fully disclose communicate that subsequent contending requests are permissible even if made before the scheduled ending time and receiving transmitted contending requests for requesting reservation of subsequent non-contending wireless data transmissions before the scheduled ending time. In the same field of endeavor, Ho discloses communicate a contention control frame that subsequent contending requests are permissible even if made before the scheduled ending time and receiving transmitted contending requests for requesting reservation of subsequent non-contending wireless data transmissions before the scheduled ending time based contention control frame (Figs 10, 11a, 12a, Col. 21, lines 30 to col. 22, lines 7 and col. 22, lines 64 to col. 3, lines 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for receiving a request for reservation before

the scheduling of contention free window time as disclosed by Ho into the teaching of Benveniste. The motivation would have been to improve the throughput of the system.

Regarding claims 2, 11, 20 and 29, Benveniste further teaches that the device is further adapted to: detect an idle time in the medium ([0046]); and compare the idle time to a preset minimum time ([0046]); and in which the wireless transmission is determined to have ended if the idle time is longer than the preset minimum time ([0046]) (in addition, all limitations are inherently satisfied for using CSMA).

Regarding claims 3, 12, 21 and 30, Benveniste further teaches that the device is further adapted to: start an idle counter if the medium is detected to be idle (“idle timer”; [0050]).

Regarding claims 4, 13, 22 and 31, Benveniste further teaches that the preset minimum time equals a DIFS ([0046]).

Regarding claims 5, 14, 23 and 32, Benveniste teaches a device comprising: a physical communication component (Fig. 1A and 2A; [0033] and [0118]); and a processor coupled with the physical communication component (Fig. 1A and 2A; [0033] and [0118] inherent), in which the processor is adapted to receive data about a contention-free time window regarding a medium ([0054]); decode from the data a scheduled ending time of the time window ([0054]). However, Benveniste fails to disclose receive notification that contention will be permitted before the scheduled ending time; and contend for the medium for reserving a next contention free time window before the scheduled ending time pursuant to the notification. In the same field of endeavor, Ho discloses receive notification that contention will be permitted before the scheduled ending time; and contend for the medium for reserving a next contention free time

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window before the scheduled ending time pursuant to the notification (Figs 10, 11a, 12a, Col. 21, lines 30 to col. 22, lines 7 and col. 22, lines 64 to col. 3, lines 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for receiving a request for reservation before the scheduling of contention free window time as disclosed by Ho into the teaching of Benveniste. The motivation would have been to improve the throughput of the system.

Regarding claims 6, 15, 24 and 33, Benveniste further teaches that the device receiving notification includes receiving and interpreting a terminating frame ([0054]).

Allowable Subject Matter

6. Claim 7-9, 16-18, 25-27 and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive.

8. In response to the applicant's argument that Benveniste is not a prior art based on the priority claim of provisional application which has a filing date 3/2/2001. In reply, the application 09/995296 does not entitle the filing date of the provisional application because 09/995296 adds and claims additional disclosure not presented in the provisional application. Therefore, Benveniste is a proper prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2616
March 29, 2006